

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SECOND AMENDMENT FOUNDATION,
et al.,

Plaintiffs,

v.

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES, *et al.*,

Defendants.

No. 3:21-cv-0116-B

JOINT STATUS REPORT

Pursuant to the Court's May 4, 2021 Order granting Agreed Motion to Stay and September 28, 2021 Order extending the stay, the parties respectfully submit the following joint status report.

On June 10, 2021, Defendants published in the Federal Register a proposed rule on "Factoring Criteria for Firearms With Attached 'Stabilizing Braces,'" 86 Fed. Reg. 30826 (June 10, 2021). During the 90-day public comment period ending September 8, 2021, the agency received 211,564 comments. The agency has now processed all of the comments and is preparing responses to them, as well as engaging in other deliberative activities. *See Rulemaking Docket.*¹ The next steps in the rulemaking process—including preparing responses to the comments received—are expected to require more than 90 days.

¹ Available at <https://www.regulations.gov/docket/ATF-2021-0002>.

In light of these developments, and in the interest of judicial economy, the parties have conferred and agree that this case and all proceedings should continue to be held in abeyance to allow Defendants to undertake these steps.

Additionally, the parties have conferred and request that the parties be permitted to file a joint status report on or before March 28, 2022, indicating whether this case and all proceedings should continue to be held in abeyance.

In the event the parties are of the view that the case should not remain stayed, they would include a proposed schedule for continuing the litigation in the joint status report.

Dated: December 27, 2021

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

LESLEY FARBY
Assistant Branch Director

/s/ Charles E.T. Roberts
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Attorneys for Plaintiffs

Certificate of Conference

The parties have conferred about the relief requested herein and are in agreement about it.

/s/ Charles E.T. Roberts
CHARLES E.T. ROBERTS
Trial Attorney

Certificate of Service

On December 27, 2021, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Charles E.T. Roberts
CHARLES E.T. ROBERTS
Trial Attorney